

**PART 11
ADMINISTRATION**

§27-1100. Zoning Officer; Duties and Powers.

1. The provisions of this Chapter shall be administered and enforced by the Zoning Officer, who shall be appointed by the Borough Council.
2. It shall be the duty of the Zoning Officer, and he/she is hereby given the power and authority, to:
 - A. Receive, examine and process all applications for zoning permits; and to require in the Zoning Officer's discretion, that any application be accompanied by a survey plan or other sealed plan related to the application.
 - B. Issue permits only where there is compliance with the provisions of this Chapter, and with other Borough ordinances, and with the laws of the Commonwealth and the federal government. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Zoning Hearing Board. Permits for conditional uses shall be issued only upon notification by the Borough Council.
 - C. Receive applications for conditional uses, curative amendments, and zoning changes and forward them to Borough Council, the planning commission, or other appropriate bodies.
 - D. Receive applications for special exceptions and variances and forward these applications to the Zoning Hearing Board for action thereon.
 - E. Following the refusal of a permit, to receive applications for interpretation, appeals, and variances and to forward these applications to the Zoning Hearing Board for action thereon.
 - F. Conduct inspections and surveys to determine compliance or non-compliance with the terms of this Chapter.
 - G. With the approval of Borough Council issue stop, cease, and desist orders; and order in writing correction of all conditions found to be in violation of the provisions of this Chapter. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Zoning Officer to be violating the terms of this Chapter.
 - H. Institute civil enforcement proceedings as a means of enforcement when acting with the approval or direction of Borough Council.

- I. Maintain a map or maps showing the current zoning classifications of all land in the Borough.
- J. Revoke any order or zoning permit issued under a mistake of fact or contrary to the law or the provisions of this Chapter.
- K. Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans, and documents shall be a public record and shall be kept in a place appropriate for public use.
- L. In the case of applications for zoning permits, the Zoning Officer shall refer subject applications to the Building Inspector, Borough Engineer, and when applicable to the Zoning Hearing Board for signatures indicating approval or disapproval of the application.
- M. Register nonconforming structures, uses or lots in accord with the provisions of §27-1009, after consultation with the Borough Council and the Borough Solicitor.
- N. Upon the request of the Borough Council or the Zoning Hearing Board present facts, records, or reports which they may request to assist them in making decisions.
- O. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If the site is located within the 100 year floodplain, the plan must be prepared in accordance with all applicable provisions of this Chapter and the Borough Building Code.
- P. Maintain a record of submitted statements identifying the lowest habitable floor elevations for uses in floodplain areas.
- Q. Enlist the assistance of other municipal agents and agencies in performing these responsibilities.

§27-1101. Zoning Permits Required.

1. Hereafter, no use may be established or changed; no structure shall be erected, constructed, reconstructed, altered, razed, removed, no building used or occupied, or changed in use, or changed in nonresidential use occupancy, and no dumping or placing of soil or other substance or material as landfill shall take place until a zoning permit has been secured from the Zoning Officer. Upon completion of changes in use or construction, reconstruction, placement of fill, alteration or moving of structures, the applicant shall notify the Zoning Officer of such completion. No zoning permits shall be issued until the zoning officer has certified that the proposed use of land or existing or proposed building or structure complies with the provisions of the applicable district and other

provisions of this Chapter. No permit shall be considered as complete or as permanently effective until the Zoning Officer has noted on the permit that the work or occupancy and use have been inspected and approved as being in conformity with the provisions of this Chapter and all other applicable regulations.

2. All structures for which permits have been obtained and the construction of which or a portion of which has begun, or for which a contract or contracts have been let pursuant to a permit issued prior to the passage of this Chapter, may be completed and used in accordance with the plans on which said permit was granted. Zoning permits shall not be required for general maintenance work, painting, cleaning woodlands, building ponds, tilling the soil, terraces, or similar features, nor landscaping.

§27-1102. Application Requirements for Zoning Permits.

1. All applications for zoning permits shall be made in writing by the owner, tenant, purchaser under contract of sale, or authorized agent, on a form supplied by the Borough, and shall be filed with the Zoning Officer. The application shall consist of two parts:
 - A. A written statement including:
 - (1) An identification of the proposed use of the building or land;
 - (2) A description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards, or other safety hazards;
 - (3) In the case of application for interpretation, variances and special exceptions, the additional information specified in Part 12;
 - (4) Any other data deemed necessary by the Zoning Officer, Planning Commission or Borough Council to enable them to determine the compliance of the proposed development with the terms of this Chapter.
 - B. A site plan drawn to scale (1"=50' or larger), showing:
 - (1) The location, dimensions, and height of proposed and existing buildings, structures, or uses and existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive phases, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property;

- (2) The location, dimensions, arrangement and capacity of all open spaces and yards and buffer yards, including methods to be employed for screening;
- (3) The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas;
- (4) The dimensions, location and methods of illumination for signs if applicable;
- (5) The location and acreage of the following natural resources: alluvial soils, floodplains, forests, steep slopes, wetlands, marshes, and open waterway;
- (6) The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use;
- (7) Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage;
- (8) The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land;
- (9) Include the 100 year floodplain and the floodway line as represented on the Flood Map, or a statement from an engineer registered to practice in the Commonwealth of Pennsylvania indicating that the property in question is not within the one-hundred year floodplain. This requirement may be waived by the Zoning Officer where there is no doubt that the property is not within the floodplain areas;
- (10) If the floodplain areas will be affected by changes in land use the following additional materials shall be submitted:
 - (a) Plans drawn to scale showing:
 - (i) The location and dimensions of the lot, existing land uses, structures, vegetation, and soil types. The plans shall also show accurate topographic data consisting of contours at one-foot intervals which are tied into an established bench mark in the Borough. The plan shall be prepared by an engineer or surveyor registered by the Commonwealth of Pennsylvania.

- (ii) The proposed changes in land use, structures, buildings, building additions, open storage areas, parking lots, and other features.
 - (iii) The floodway line and the 100 year floodplain, based upon the Flood Profiles and site topography.
 - (b) A series of cross sections running perpendicular to the centerline of the stream, creek or swale or perpendicular to the shoreline of the lake or pond taken at each building site but at no less than 25 foot intervals which show the slope of the land and the relation- ship of the floodway and the 100 year floodplain to the proposed changes in land use, structures, buildings, building additions, parking lots and other features. If cuts or fills are planned, the cross sections shall show existing and finished grades.
 - (c) A profile showing the slope of the bottom of the river, stream, creeks, swale, lake or pond as it traverses or occurs on the property.
 - (d) Specifications for building materials and construction, flood-proofing, filling, dredging, grading, storage, water supply, and sanitary facilities.
 - (e) Computation of the increase, if any, in the height of flood stages which would be attributable to any proposed uses.
- (11) Provisions to be made for compliance with the Neshaminy Creek Watershed Act 167 Stormwater Management Ordinance.
2. During a period of 60 days before the introduction of an ordinance which proposes a change in regulations, district boundaries or classifications of property, unless Council shall have acted on the ordinance within the said 60 day period, the Zoning Officer shall accept no application for permits within the area involved in said change for any use which would be forbidden in the proposed ordinance.
 3. No permit for any new use or construction which will involve the on site disposal of sewage or waste, and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site, shall be issued until approval has been granted by the Bucks County Department of Health and the Pennsylvania Department of Environmental Protection.
 4. The Zoning Officer shall issue no permits until the applicant has complied with all Federal, Commonwealth, County and Local laws or regulations including the

Hulmeville Borough Neshaminy Creek Watershed Act 167 Stormwater Management Ordinance with the regard to the use of his property.

5. For any erection, alteration, or enlargement of any building, or other structure, or portion thereof within the Historical District of the Borough of Hulmeville, the permit application shall be reviewed by the Board of Historical Architectural Review prior to the issuance of a permit in accordance with Chapter 4, Part 1 Hulmeville Historical District. Permits shall be issued only after the Borough Council has approved a Certificate of Appropriateness.

§27-1103 Life of a Permit.

Any erection, construction, reconstruction, alteration, or moving of a building or other structure, including a sign authorized by a zoning permit shall be commenced, and any change in use of a building or land authorized by a zoning permit shall be undertaken within six (6) months after the date of issuance of the permit. If not, the permit shall be considered null and void. However, in the case of erection or construction of a building, the right to continue with construction may be extended annually without payment of additional fees for an aggregate period of not more than five (5) years, provided that the construction pursuant to said permit has commenced within six (6) months following issuance of the permit.

§27-1104. Requirement of Certificate of Occupancy.

1. It shall be unlawful for any person to occupy any building or other structure or land under any of the conditions listed below until a certificate of occupancy has been duly issued therefore. A certificate of occupancy shall be required for any of the following:
 - A. Occupancy and use of any building or portion thereof hereafter erected or altered.
 - B. Occupancy or change in ownership of any commercial building.
 - C. Occupancy and use of vacant land, or change in the use of land to a use of a different classification.
 - D. Any change in use or extension of a nonconforming use.
2. This certificate shall indicate that the proposed use of such building or land is in conformity with the provisions of this Chapter.

§27-1105. Issuance of Certificate of Occupancy.

1. A certificate of occupancy shall be granted or refused within five (5) days after the Building Code Official has been notified of the completion of the authorized

construction or alteration; or, where no construction or alteration is involved, within five (5) days after receipt of written application therefore. Upon written request from the owner, the Building Code Official shall issue a certificate of occupancy for any building or land existing at the time of enactment of this Chapter, certifying, after inspection, the extent and kind of use or disposition of the buildings or land, and whether such use or disposition conforms with the provisions of this Chapter.

2. A temporary certificate of occupancy may be issued by the Building Code Official for a period not to exceed ninety (90) days prior to the completion of construction, provided that all structural work is completed, all permits relating to sewage and water have been obtained and filed with the Borough and all permit fees have been paid, and provided further that the person seeking the temporary certificate of occupancy posts with the Borough pursuant to an Escrow Agreement in a form satisfactory to the municipal solicitor, sufficient funds to complete the construction, grading, and all other required improvements. The Building Code Official and Zoning Officer must approve all temporary certificates of occupancy. Upon failure of the owner to complete construction within the ninety (90) days the borough has the discretion to revoke the temporary certificate of occupancy whereby the owner must vacate the premises.
3. A record of all certificates of occupancy shall be kept on file in an office of the Borough, and a copy of any such permit shall be furnished upon request to any person having a proprietary or tenancy interest in the building or premises.
4. The issuance of a certificate of occupancy in no way absolves the owner or authorized agent from compliance with the intent of this Chapter.

§27-1106. Fees.

Fees for permits shall be paid in accordance with the provisions of a fee schedule adopted by Borough Council. Each applicant for an interpretation, special exception, or variance shall, at the time of making application, pay a fee in accordance with a fee schedule adopted by resolution of Borough Council. The amount of the fee shall be predicated upon the average cost to the Borough of the application or appeal, as nearly as it can reasonably be determined, including advertising, mailing, reproduction, stenographic, legal and similar expenses. Payment of all cost must be made in full before a Building Permit will be issued.

§27-1107. Conditional Uses.

The Borough Council shall have the power to approve or disapprove conditional uses when this Chapter specifically requires the obtaining of such approval and for no other purpose.

- A. General Conditions for Conditional Uses

- (1) In granting a conditional use, the Borough Council shall make findings of fact consistent with the provisions of this Chapter. The Borough Council shall not approve a conditional use except in conformance with the conditions and standards outlined in this Chapter.
- (2) The Borough Council shall grant a conditional use only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements as well as any specific requirements and standards listed herein for the proposed use. The Borough Council shall require that any proposed use and location among other things be:
 - (a) In accordance with the Four Boroughs Regional Comprehensive Plan and consistent with the spirit, purposes and intent of the applicable zoning district. Where there is a conflict between the Four Boroughs Regional Comprehensive Plan and this Chapter, the provisions of this Chapter shall apply.
 - (b) In the best interests of the Borough, the community, and the public welfare, and which shall not be a detriment to the properties in the immediate vicinity.
 - (c) Suitable for the property in question and designed to be constructed, operated and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
 - (d) In conformance with all applicable requirements of this Chapter and all Borough ordinances;
 - (e) Suitable in terms of effects on highway traffic and safety with arrangement for access adequate to protect streets from undue congestion and hazard.
- (3) The Borough Council may impose whatever conditions it deems necessary to ensure that any proposed development will secure substantially the objectives of this Chapter.
- (4) The burden of proof in a conditional use application shall be on the applicant to establish that all of the conditions are in the spirit of this Chapter.

B. Application Requirements - Conditional use applications shall be governed by the following:

- (1) The landowner shall make a written request to the Borough Council. The request shall contain a statement reasonably informing the Borough Council of the matters that are at issue.
- (2) Site and building plans and other materials describing the use or development proposed shall accompany the application. Such plans and other materials shall provide a sufficient basis for evaluating the applicant's request. Information required by this Chapter shall accompany the application.
- (3) Fees. The applicant for any hearing on a conditional use request before the governing body shall at the time of making application pay to the Zoning Officer, for the use of the Borough, a fee in accordance with a fee schedule adopted by resolution of the Borough Council upon enactment of this Chapter or as such schedule may be amended from time to time.

C. Review Procedures

- (1) The Borough Council shall request an advisory opinion from the Borough Planning Commission on any application for a conditional use; the Borough Planning Commission shall submit a report of such advisory opinion prior to the date of the public hearing held by the Borough Council on the application.
- (2) The Borough Council shall hold a hearing upon the request, commencing not later than sixty (60) days after the request is filed, unless the applicant requests or consents in writing to an extension of time.
- (3) Hearing. The Borough Council shall conduct hearings and make decisions in accordance with the following:
 - (a) The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record, and any other person including civic or community organizations permitted to appear by the Borough Council. The Borough Council may require that all persons who wish to be considered parties enter appearances in writing on forms provided for that purpose.
 - (b) The president or acting president shall have the power to administer oaths of witnesses.

- (c) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (d) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- (e) The Borough at its discretion may require a stenographic record of the proceedings, and such transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
- (f) All procedures for Special Exception hearings shall be followed for Conditional Uses, including the required notification of property owners within 300 feet.